

An Ordinance amending Title 9 Land Use, Chapter 1, Land Use and Shoreland Protection of the Iron County Code of Ordinances providing for Shoreland Regulation and Lake and Navigable River and Streams Classification.

The Iron County Board of Supervisors do ordain as follows:

One: "Section 9-1-71 is added "Shoreland Regulations - Lake and Navigable Rivers and Streams Class Development Standards"

(a) Statutory Authorization, Findings of Fact, Statement of Purpose and Policy.

(1) **Statutory Authorization.** This Ordinance is adopted pursuant to the authorization in ss 59.69, 59.692, 59.694, 87.30 and 281.31, Stats.

- s. 59.69 - General county planning and zoning authority.
 - s. 59.692 - Duty to adopt shoreland zoning imposed on Counties.
 - s. 59.694 - County Board of Adjustment authority, composition and duties.
 - s. 87.30 - DNR procedures to adopt shoreland zoning for noncompliant county.
 - s. 281.31 - General program objectives and authority for counties, towns, cities and villages to adopt and administer shoreland zoning.
- NR 115 (Wisconsin Administrative Code) - State shoreland zoning standards for counties.

(2) **Finding of Fact.** Uncontrolled use of the shorelands and pollution of the navigable waters of Iron County would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Iron County, Wisconsin.

(3) **Purpose.** For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

a. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
2. Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
3. Controlling filling and grading to prevent serious soil erosion problems.
- b. Protect spawning grounds, fish and aquatic life through:
 1. Preserving wetlands and other fish and aquatic habitat.
 2. Regulating pollution sources.
 3. Controlling shoreline alterations, dredging and lagooning.
- c. Control building sites, placement of structures and land uses through:
 1. Separating conflicting land uses.
 2. Prohibiting certain uses detrimental to the shoreland area.
 3. Setting minimum lot sizes and widths.
 4. Regulating side yards and building setbacks from waterways.
- d. Preserve shore cover and natural beauty through:
 1. Restricting the removal of natural shoreland cover.
 2. Preventing shoreline encroachment by structures.
 3. Controlling shoreland excavation and other earth moving activities.
 4. Regulating the use and placement of boathouses and other structures.

(4) **Policy.** The following policy statements will be guidelines for implementing Iron County's Inland Lakes and Navigable Rivers and Streams Classification System and accompanying ordinance changes:

- a. It is the intent of the Iron County Board of Supervisors to preserve the natural and scenic qualities of the lakes and shorelines in the County.
- b. The County Board of Supervisors recognizes that different lakes within the County have varying natural conditions that affect their environmental sensitivity or vulnerability to shoreland development. In recognition of this fact, the Lakes and Navigable Rivers and Streams Classification System needs to take into account the

relative vulnerability of each waterbody based on lake surface area, lake depth, lake type, length of shoreline, and size of watershed.

- c. The County Board of Supervisors desires to balance the needs for environmental protection and responsible stewardship with reasonable use of private property and economic development.
 - d. Lakes that are environmentally-sensitive and in pristine or near-pristine undeveloped condition should receive the highest level of protection.
 - e. Future development and land divisions on lakes that are in a developed or partially developed condition should be carefully managed to prevent overcrowding that would diminish the value of the resource and existing shoreland property, minimize nutrient loading, protect water quality, preserve spawning grounds, fish and wildlife habitats, and natural shore cover.
- (b) Lake and Navigable Rivers and Streams Class Development Standards.
- 1. After adoption of this section, or an amendment thereto, no lot area shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Parcels of land existing and of record shall meet the minimum requirements of Section 9-1-70 and lots existing of record, i.e., documented by recording of metes and bounds description; or a Certified Survey Map; or a recorded platted subdivision, but of substandard size to the Lake and Navigable Rivers and Streams Class Development Standards are hereby not nonconforming to the parcel size, provided such parcels existed prior to the effective date of Title 9, Chapter 1, Section 22 of the Iron County Code of Ordinances.
 - 2. The following classification lists identify lakes named in "Surface Water Resources of Iron County", published by Wisconsin Department of Natural Resources and appearing by name on the 1:24000 scale topographic maps published by the U.S. Geological Survey, commonly referred to as the U.S.G.S. Quadrangle Maps. All unnamed lakes listed in the "Surface Water Resources of Iron County", Wisconsin Department of Natural

Resources, all named lakes 50 acres and under in size, and lakes greater than 50 acres in size with vulnerability scores of 9 or less are considered Class 2 protection lakes. All lakes greater than 50 acres in size and with a vulnerability score of 10 or greater will be Class 1 protection lakes.

In addition, any lake inadvertently omitted from the "Surface Water Resources of Iron County" over 50 acres in size will be classified according to available information and non-listed lakes under 50 acres in size will be considered Class 2 protection lakes.

It should be noted that Iron County's shoreline regulation jurisdiction extends only to those portions of shoreline outside the boundaries of any incorporated municipality.

Development standards for rivers and streams refer to all rivers and streams in Iron County deemed by the Wisconsin Department of Natural Resources to be navigable shall be Class 2 waters.

There are unnamed lakes that have "local" names and for the purpose of this classification are considered Class 2 lakes.

Wherever the term "lake" or "shoreland" is used in this Ordinance, it includes navigable rivers and streams as deemed by the Department of Natural Resources.

3. Dimensional requirements are contained in Article L, Zoning Schedule, as an addendum dated the effective date of Section 9-1-71.

3. CLASS 1

Bearskull
Big Pine
Birch
Cathering
Cedar
Clear
Echo
Fisher
Flambeau Flowage
Gile Flowage
Grand Portage
Island
Lake of the Falls
Little Turtle
Long
Lower Springstead
Marth
McDermott
Mercer
Moose
Muskie
Oxbow
Pardee
Pike
Pine
Randall
Rice
Sandy Beach
Second Black
South Bass
Spider
Stone
Third Black
Trude
Upper Springstead
Upson
Virgin
Weber

4. CLASS 2

Allen
Altman
American
Barbara
Barrel Spring
Bass
Bass
Bear
Beaver
Beaver
Belding
Black
Bluegill
Boot
Brandt
Brandt
Brush
Camp
Cap Henry
Chamley
Cile
Courtland
Cramer
Cranberry
Cranberry
Creeds Flowage
Crystal
Cub
Davis
Dead Horse
Deer
Deer Trail
Dollar
Dorothy
Doud
DuPage
Duck
Duck
East Relmer
East Twin
Emerson
Ess
Evelyn
Fat

Fawn
Feeley
Ferry
Fierek
First Black
Flannagan
Fox
French
Frog
Geyser
Goose
Grant
Grey
Hall
Harper
Hawk
Hay Creek Flowage
Hazel
Hewitt
Hill
Hobbs
Horseshoe
Hourglass
Island
Jankewitz
Jeannie
Judd
Julia
July
June
Kelly
Keough
Kinder
Krupka
Kyle
Lac de Beaumont
Lake Fifteen
Lake Nine
Lake Six
Lake Ten
Lavina
Leach
Lehto
Lipp

4. CLASS 2 CONTINUED

Little Bear
Little Cap Henry
Little Martha
Little Moose
Little Muskie
Little Oak
Little Oxbow
Little Pike
Little Pine
Lost
Lost
Maid
Margaret
Marty
May
McCarthy
Minnow
Mirror
Mud
Munnomin
Mystery
Negani
Net
Nokomis
Norma
North Bass
North Grant
North Negro
North Pine
North Sister
North Twin
Norway Pine
O'Brien
Oak
Obedash
One Man
Oriole
Otter
Owl
Paul
Payment
Plantation

Pleasant
Popko
Pork & Beans
Reservation Line
Rice
Roberts Springs
Ruby
Ruth
Sack
San Domingo
Sand
Saskatoon
Saxon Falls Flowage
Sells
Seven Acres
Shay
Shine
Shirley
Smith
South Sister
South Twin
Spinnet
Spring
Sugar
Superior Falls Flowage
Swamp
Tahoe
Tamarack
Teal
Thomas
Trap
Twin
Vincent
Viola
Voss
Wallace
Weber
West Randall
West Twin
Wilson
Woods
Woodson

5. Lake Access. All private lake access easements; or outlots; deeded or contractual accesses for the purpose of lake access shall meet the following requirements:

- a. The access to a navigable waterway for backlot or off-shore development shall meet the minimum lot and parcel size requirements of the Lake Class Development Standards. The lot width shall be measured at right angles at all points along its side lot lines and the minimum required lot area shall exclude any wetlands. A continuous buffer area of 25 feet along each side lot line running the full depth of the lot shall remain in its natural state. The cutting of vegetation or trees or the construction/ placement of buildings within the buffer zone is prohibited.
- b. The number of single family lots, building sites, single family units or single family condominium units utilizing said access shall be limited to four (4).
- c. Only one (1) accessory building will be allowed on the lake access parcel meeting the requirements of Section 9-1-66(3); except that actual boat storage and/or the connection of any pressurized water system is prohibited.
- d. The creation or use of land for a lake access shall be by conditional use only in the R-1 and RR-1 zone districts in accordance with Sections 9-1-200 and 9-1-201. The Zoning Committee shall consider the size, shape, depth, present and potential use of the lake, and the effect of the private access on public rights in navigable waters.

Two: This ordinance shall take effect after passage and publication as required by law.

Three: Upon passage and publication as provided in Section 3, Title 9, Chapter 1, Section 22 of the Iron County Code of Ordinances is hereby repealed.

DIMENSIONAL REQUIREMENTS

DIMENSIONAL REQUIREMENTS ARE AS FOLLOWS FOR ALL ZONING DISTRICTS WITHIN A SHORELAND AREA, R-1, RR-1, R-2, A-1, C-1, I-1, & F-1, EFFECTIVE August 12, 1998

LAKES CLASSIFICATION	LOT SIZES	FOR EACH SINGLE FAMILY DWELLING UNIT LOT WIDTH	SHORELINE SETBACK	LOT DEPTH	VEGETATION REMOVAL	SIDE YARD SETBACK FOR ALL STRUCTURES
CLASS 1	40,000 SQ FT *80,000	200 FT *400 FT	75 FT	200 FT	30 FT CORRIDOR WITHIN 35 FEET OF SHORE	10 FT MINIMUM 40 FT MINIMUM TOTAL
CLASS 2	90,000 SQ FT *180,000	300 FT *600 FT	75 FT	300 FT	30 FT CORRIDOR WITHIN 35 FEET OF SHORE	10 FT MINIMUM 40 FT MINIMUM TOTAL
RIVERS & STREAMS	90,000 SQ FT *180,000	300 FT *600 FT	75 FT	300 FT	30 FT CORRIDOR WITHIN 35 FEET OF SHORE	10 FT MINIMUM 40 FT MINIMUM TOTAL

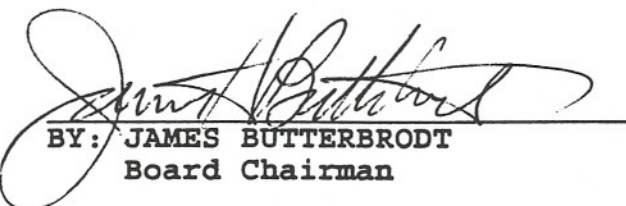
Note: * = two family dwelling units per lot

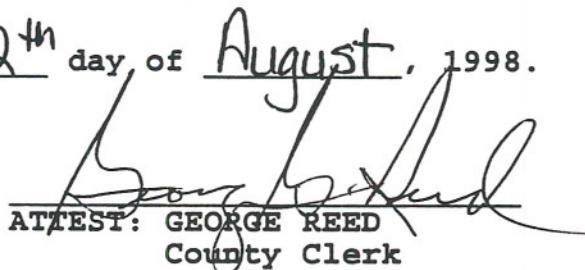
Moved by Supervisor Gottwald

Seconded by Supervisor Lambert

12 Supervisors Voting Aye 1 Supervisors Voting Nay

Ordinance declared adopted this 12th day of August, 1998.


BY: JAMES BUTTERBRODT
Board Chairman


ATTEST: GEORGE REED
County Clerk